

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

**HOUSE BILL NO. 131**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES STOLTZE, McGuire, Kelly, Meyer, Foster

SENATORS Guess, Therriault, Ellis, Huggins, Dyson, Hoffman

Introduced: 2/9/05

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act increasing the criminal classification of theft of an access device and of  
2 obtaining an access device or identification documents by fraudulent means; increasing  
3 the criminal classification for certain cases of fraudulent use of an access device; and  
4 providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 11.46.130(a) is amended to read:

7 (a) A person commits the crime of theft in the second degree if the person  
8 commits theft as defined in AS 11.46.100 and

9 (1) the value of the property or services is \$500 or more but less than  
10 \$25,000;

11 (2) the property is a firearm or explosive;

12 (3) the property is taken from the person of another;

13 (4) the property is taken from a vessel and is vessel safety or survival  
14 equipment;

(5) the property is taken from an aircraft and the property is aircraft safety or survival equipment; [OR]

(6) the value of the property is \$50 or more but less than \$500 and within the preceding five years the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(A) AS 11.46.120, or an offense under another law or ordinance with similar elements;

(B) a crime set out in this subsection or an offense under another law or ordinance with similar elements;

(C) AS 11.46.140(a)(1) [OR (2)], or an offense under another law or ordinance with similar elements; or

(D) AS 11.46.220(c)(1) or (c)(2)(A), or an offense under another law or ordinance with similar elements; or

**(7) the property is an access device.**

\* **Sec. 2.** AS 11.46.220(c) is amended to read:

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

(B) the value of the merchandise is \$500 or more; or

(C) the value of the merchandise is \$50 or more but less than \$500 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of the offense of

(i) concealment of merchandise under this paragraph or (2)(A) of this subsection, or an offense under another law or ordinance with similar elements; or

(ii) AS 11.46.120, 11.46.130, or 11.46.140(a)(1) [OR (a)(2)], or an offense under another law or ordinance with similar elements;

(2) a class A misdemeanor if

(A) the value of the merchandise is \$50 or more but less than

1           \$500; or

2                           (B) the value of the merchandise is less than \$50 and, within  
3           the preceding five years, the person has been convicted and sentenced on two  
4           or more separate occasions of the offense of concealment of merchandise or  
5           theft in any degree, or an offense under another law or ordinance with similar  
6           elements;

7                           (3) a class B misdemeanor if the value of the merchandise is less than  
8           \$50.

9       \* **Sec. 3.** AS 11.46.285(b) is amended to read:

10                   (b) Fraudulent use of an access device is

11                           (1) a class B felony if the value of the property or services obtained is  
12           \$25,000 or more;

13                           (2) a class C felony if the value of the property or services obtained is  
14           **\$50** [\$500] or more but less than \$25,000;

15                           (3) a class A misdemeanor if the value of the property or services  
16           obtained is **less than** \$50 [OR MORE BUT LESS THAN \$500];

17                           (4) A CLASS B MISDEMEANOR IF THE VALUE OF THE  
18           PROPERTY OR SERVICES OBTAINED IS LESS THAN \$50].

19       \* **Sec. 4.** AS 11.46.290(b) is amended to read:

20                   (b) Obtaining an access device or identification document by fraudulent means  
21           is a class **C felony** [A MISDEMEANOR].

22       \* **Sec. 5.** AS 11.46.140(a)(2) is repealed.

23       \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
24       read:

25           APPLICABILITY. This Act applies to offenses occurring on or after the effective  
26       date of this Act.

27       \* **Sec. 7.** This Act takes effect July 1, 2005.